

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

**MAY 15 2015**

Clerk, U.S. District Court  
District Of Montana  
Missoula

GIA FANELLI,

Plaintiff,

vs.

BANK OF NEW YORK MELLON, et  
al.,

Defendants.

CV 14-275-M-DLC-JCL

ORDER

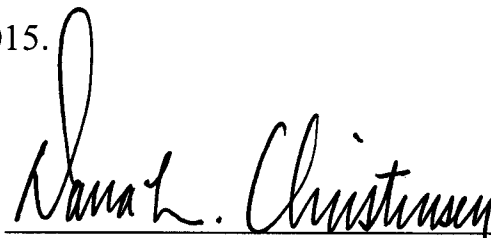
United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations on April 13, 2015, recommending that this case be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m). Plaintiff failed to timely object to the Findings and Recommendations, and so waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

There is no clear error in Judge Lynch's Findings and Recommendations and the Court adopts them in full.

There is no clear error in Judge Lynch's finding that Plaintiff failed to timely serve her Complaint on Defendants, in compliance with Federal Rule of Civil Procedure 4(m). The Court ordered Plaintiff to serve the Complaint on Defendants, or show good cause for failure to do so, by April 8, 2015. Plaintiff has neither served Defendants nor shown good cause for failing to do so.

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 10) are ADOPTED. This case is DISMISSED WITHOUT PREJUDICE.

Dated this 15<sup>th</sup> day of May, 2015.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looped initial "D".

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Dana L. Christensen, Chief Judge  
United States District Court